

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 6,380,926

Filed: October 10, 2000

Issued: April 30, 2002

Inventor: Stanley Ho

Attorney File No. 11257-3 (794601-2083)

Certificate of Correction Branch
Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.323

SIR:

Through Applicant's mistake, certain errors of minor character are present in the above-identified patent. Applicant hereby seeks to correct failure in U.S. Patent No. 6,380,926 ("926 patent") to indicate that U.S. Application Ser. No. 09/466,447 ("447 application") is a Continuation of U.S. Application Ser. No. 09/289,864 ("864 application"). Correction is required to perfect priority of the '926 patent to the '864 application under 35 U.S.C. § 120.

As will be discussed in more detail below, the application files clearly indicate that U.S. Application Ser. No. 09/165,064 ("064 application") is a parent of the '864 application, which, in turn, is a parent of the '447 application, which, in turn, is a parent of the '926 patent. Accordingly, the '926 patent is entitled to the priority date of the '864 application under 35 U.S.C. § 120.

For the Certificate of Correction Branch's convenience, a family tree is presented below indicating the current status ("Before Correction") and the correction Applicant hereby requests ("After Correction").

Before Correction

09/165,064
Oct. 2, 1998

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09/466,447
Dec. 17, 1999

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09/685,918
Oct. 10, 2000

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U.S. 6,380,926
Apr. 30, 2002

After Correction

09/165,064
Oct. 2, 1998

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09/289,864
Apr. 12, 1999

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09/466,447
Dec. 17, 1999

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09/685,918
Oct. 10, 2000

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U.S. 6,380,926
Apr. 30, 2002

Enclosed herewith are:

- (1) a PTO/SB/44 form detailing the requested corrections;
- (2) Exhibit A, a copy of the Filing Receipt for U.S. Application Ser. No. 09/685,918, which application issued as the '926 patent;
- (3) Exhibit B, a copy of the '447 application as filed, and a copy of each of its Filing Receipt, Declaration, and Transmittal Letter;
- (4) Exhibit C, a copy of the '864 application as filed, and a copy of each of its Filing Receipt, Declaration, and Transmittal Letter.

To correct the errors Applicant has listed the following changes in the accompanying PTO/SB/44 form:

On The Title Page Item (63)

After "Dec. 17,1999," insert "which is a continuation of application No. 09/289,864, filed on Apr. 12, 1999,--.

At column 1, line 2

After "This application is a Continuation-in-Part application of U.S. Ser. No. 09/466,447, filed Dec. 17, 1999. " insert --Which is a continuation of application Ser. No. 09/289,864, filed Apr. 12, 1999.--

Pursuant to the Manual of Patent Examining Procedure § 1481, p. 1400-69 (8th ed. August, 2001) ("MPEP"), Applicant meets the conditions required for the requested correction of priority under 35 U.S.C. § 120. These conditions are as follows: (1) all requirements set forth under 37 C.F.R. 1.78(a)(1) must have been met; (2) the prior-filed application to be added via the Certificate Of Correction must be identified in the '926 patent's application papers; and (3) it must be clear from the record of the patent and the parent application that priority is appropriate.

1. ALL REQUIREMENTS OF 37 C.F.R. 1.78(A)(1) MUST HAVE BEEN MET

As indicated above, pursuant to the MPEP Applicant's requested correction of priority under 35 U.S.C. § 120, requires compliance with 37 C.F.R. 1.78(a)(1).

37 C.F.R. 1.78(a)(1) requires that a continuing application name at least one inventor in common with the parent application. Since each of the '864 application, the '447 application, and the '926 patent name Stanley Ho as the inventor, this condition has been met.

37 C.F.R. 1.78(a)(1) further requires that the parent application disclose the named inventor's invention claimed in at least one claim of the continuing application in the manner provided by the first paragraph of 35 U.S.C. § 112. The '864 application incorporates the '064 application by reference; the Specifications of the '864 application and the '447 application are almost identical; and the '926 application incorporates both the '064 and the '447 applications by reference. Accordingly, this condition is clearly met.

As further required by 37 C.F.R. 1.78(a)(1)(iv), and as indicated in their respective Transmittal letters attached hereto, the '864 and '447 applications are entitled to filing dates as set forth in 37 C.F.R. § 1.53(b), and their respective basic filing fees have been paid.

2. THE PRIOR-FILED COPENDING APPLICATION TO BE ADDED
VIA THE CERTIFICATE OF CORRECTION IS IDENTIFIED
ELSEWHERE IN THE APPLICATION PAPERS

As stated above, pursuant to the MPEP, Applicant's requested correction of priority under 35 U.S.C. § 120 requires that the prior-filed application to be added via the Certificate Of Correction be identified in the papers submitted as part of the files of the '447 application and the '926 patent files.

The '447 application's Filing Receipt and Transmittal Letter each list the '864 application as a parent application. Similarly, the '864 application's Filing Receipt and Transmittal Letter each list the '064 application as a parent application. Since the '447 application is part of the '926 patent's file, this condition has been met.


3. IT IS CLEAR FROM THE RECORD OF THE PATENT AND THE PARENT
APPLICATION THAT PRIORITY IS APPROPRIATE

As mentioned above, pursuant to the MPEP to make such a correction of priority under 35 U.S.C. § 120, it must be clear from the record of the patent and the parent application that priority is appropriate.

The '864 application and the '447 application were essentially identical as filed. The '447 application's Filing Receipt and Transmittal Letter each list the '864 application as a parent application and the '864 application's Filing Receipt and Transmittal Letter each list the '064 application as a parent application. Accordingly, it is clear that the '064 application is a parent of the '864 application and the '864 application is a parent of the '447 application and Applicant's requested correction is appropriate.

Please charge Deposit Account No. 501358, the required fee, estimated in the amount of \$100.00. Any deficiency or overpayment should be charged or credited to the above numbered deposit account. Thank you for your attention to this matter.

Respectfully submitted,


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August 2, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,380,926
DATED : April 30, 2002
INVENTOR(S) : Stanley Ho

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

On The Title Page, Item (63)

After "Dec. 17, 1999," insert "which is a continuation of application No. 09/289,864, filed on Apr. 12, 1999,—

At column 1, line 2

After "This application is a Continuation-in-Part application of U.S. Ser. No. 09/466,447, filed Dec. 17, 1999." insert —Which is a continuation of U.S. Ser. No. 09/289,864, filed Apr. 12, 1999.—

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PATENT NO. 6,380,926